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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11 ORLANDO CARDONA and SILVIA
CORDONA,

No. 12-3328 MMC

12 Plaintiffs,
13 v.

**ORDER DISMISSED COMPLAINT
WITHOUT PREJUDICE; DIRECTIONS TO
CLERK**

14 WASHINGTON MUTUAL BANK, et al.,

15 Defendants.

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17 By order filed November 20, 2012, the Court ordered plaintiffs to show cause, in
18 writing and no later than December 7, 2012, why the instant complaint should not be
19 dismissed for failure to serve defendants within the 120-day period provided in Rule 4(m) of
20 the Federal Rules of Civil Procedure. Plaintiffs have not filed a response to the Court's
21 order within the time specified therein.

22 A district court "must extend" the deadline to serve upon a showing of "good cause"
23 and has discretion to extend the deadline upon a showing of "excusable neglect." See
24 Lemoge v. United States, 587 F.3d 1188, 1198 (9th Cir. 2009). Here, plaintiffs, having
25 failed to respond to the Court's order of November 20, 2012, have not shown either good
26 cause exists for an extension or that their failure to effectuate service was the result of
27 excusable neglect.

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1 Accordingly, plaintiffs' complaint is hereby DISMISSED without prejudice. See Fed.
2 R. Civ. P. 4(m).

3 The Clerk of the Court is DIRECTED to close the file.

4 **IT IS SO ORDERED.**

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6 Dated: December 13, 2012


7 MAXINE M. CHESNEY
8 United States District Judge

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